

Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, a foreign
insurance company; THE PHOENIX
INSURANCE COMPANY, a foreign
insurance company,
Plaintiff,

v.

NORTHWEST PIPE COMPANY, a
Washington corporation; and GREATER
VANCOUVER WATER DISTRICT, a
British Columbian statutory corporation,

Defendant.

NORTHWEST PIPE COMPANY, a
Washington corporation

Counterclaim Plaintiff,

v.

TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, a foreign
insurance company; THE PHOENIX
INSURANCE COMPANY, a foreign
insurance company,

Counterclaim Defendant.

No. 3:17-cv-05098-BHS

**PROPOSED NEUTRAL STATEMENT
OF THE CASE**

1 The Court requested that the parties provide a joint neutral statement of the case to read
2 to the jury at the outset of trial in this action. As the parties were unable to agree, Counterclaim
3 Defendants Travelers Property Casualty Company of America and The Phoenix Insurance
4 Company (Travelers) proposes the following neutral statement to be read to the jury:

5 This is an insurance coverage action arising from an underlying litigation
6 in British Columbia, Canada filed on August 5, 2015. Travelers insured
7 Northwest Pipe. Northwest Pipe tendered a claim to Travelers for defense and
8 indemnity coverage under its general liability policy on July 28, 2016. Travelers
9 agreed to defend Northwest Pipe in the underlying litigation under a Reservation
10 of Rights letter issued on October 26, 2016.

11 Travelers then filed a Complaint for Declaratory Judgment on February
12 8, 2017. Northwest Pipe has alleged extra-contractual claims against Travelers
13 including breach of contract, bad faith, and violations of the Consumer
14 Protection Act. Travelers disagrees with Northwest Pipe's allegations and
15 asserts that it has acted reasonably in all aspects of handling the claim made by
16 Northwest Pipe.

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1 Dated this 2nd day of January, 2019

2 LETHER & ASSOCIATES, PLLC

3 s/ Thomas Lether

4 Thomas Lether, WSBA #18089

5 Eric J. Neal, WSBA #31863

6 Lether & Associates, PLLC

1848 Westlake Ave N., Suite 100

7 Seattle, WA 98109

P: 206-467-5444

8 F: 206-467-5544

tlether@letherlaw.com

eneal@letherlaw.com

9 *Attorneys for Travelers Property Casualty*

Company of America and the Phoenix Insurance

Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies under the penalty of perjury under the laws of the State of Washington that on this date I caused to be served in the manner noted below a true and correct copy of the foregoing on the parties mentioned below as indicated:

Richard Dykstra Friedman Rubin 51 University Street, Suite 201 Seattle, WA 98101 rdykstra@friedmanrubin.com <i>Counsel for Defendant Northwest Pipe Company</i>	Kenneth R. Friedman Friedman Rubin 1126 Highland Avenue Bremerton, WA 98337 kfriedman@friedmanrubin.com <i>Counsel for Defendant Northwest Pipe Company</i>
Alexander E. Ackel Friedman Rubin 51 University Street, Suite 201 Seattle, WA 98101 aackel@friedmanrubin.com <i>Counsel for Defendant Northwest Pipe Company</i>	Douglas Oles Angelia Wesch Oles Morrison Rinker & Baker, LLP 701 Pike Street, Suite 1700 Seattle, WA 98101 oles@oles.com wesch@oles.com <i>Counsel for Defendant Greater Vancouver Water District</i>

By: ☐ First Class Mail ☒ ECF ☐ Legal Messenger

Dated this January 2, 2019 at Seattle, Washington.

s/ Elizabeth Kruh
Elizabeth Kruh | Paralegal